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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,951	03/27/2001	Toshihito Yanashima	010284	5245

23850 7590 09/25/2002

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EXAMINER

LAM, THANH

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/812,951

Applicant(s)
Yanashima et al.

Examiner
Thanh Lam

Art Unit
2834



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 19, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigler in view of Mikulic.

Zigler discloses a sealed motor compressor comprising, in a sealed container, a compressing element and an electromotive element for driving the compressing element, wherein said electromotive element is fixed to said sealed container and comprises a stator (22) provided

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with a stator winding (11) and a rotor (21) which rotates in the stator, and said rotor comprises a squirrel-cage secondary conductor disposed in a peripheral portion of a rotor yoke.

Mikulic discloses a rotor (30) and permanent magnet (40-43) embedded in the rotor yoke (72).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the rotor of Zigler with the rotor as taught by Mikulic to improve the field excitation of the motor.

Regarding claim 2, the proposal in combination of Zigler and Mikulic disclose the electromotive element comprises a single-phase bipolar constitution.

Regarding claim 3, the proposal in combination of Zigler and Mikulic disclose the electromotive element is started by a system in which a startup capacitor (16) is used.

Regarding claim 4, the proposal in combination of Zigler and Mikulic disclose the stator winding comprises a main winding and an auxiliary winding, and a winding ratio of the respective windings by effective winding number calculation is set to be in a range of 1.0 ± 0.5 .

Regarding claim 5, the proposal in combination of Zigler and Mikulic disclose the squirrel-cage secondary conductor of the rotor comprises a skewed structure.

Regarding claim 6, the proposal in combination of Zigler and Mikulic disclose each of the permanent magnets is a rare earth magnet.

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Regarding claim 7, the proposal in combination of Zigler and Mikulic disclose the number of permanent magnets embedded in the rotor yoke is any number selected from the group consisting of two, four, six and eight.

Regarding claim 8, the proposal in combination of Zigler and Mikulic disclose current-sensitive protection means for detecting a line current.

Regarding claim 9, Zigler disclose, a compressing element and an electromotive element for driving the compressing element, said electromotive element being driven by a three-phase power source, wherein said electromotive element is fixed to said sealed container and comprises a stator (22) provided with a stator winding (11) and a rotor (21) which rotates in the stator.

Mikulic discloses a rotor (30) comprises a squirrel-cage secondary conductor disposed in a peripheral portion of a rotor yoke a permanent magnets embedded rotor and permanent magnets (40-43) embedded in the rotor yoke (72).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the rotor of Zigler with the rotor as taught by Mikulic to improve the field excitation of the motor.

Regarding claim 10, the proposal in combination of Zigler and Mikulic disclose the electromotive element comprises a three-phase bipolar constitution.

Regarding claim 11, the proposal in combination of Zigler and Mikulic disclose the squirrel-cage secondary conductor of the rotor comprises a skewed structure, and a skew pitch is set to more than 0, and 1.5 slot pitches or less.

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Regarding claim 12, the proposal in combination of Zigler and Mikulic disclose each of the permene magnets is a rare earth magnet.

Regarding claim 13, the proposal in combination of Zigler and Mikulic disclose the number of permanent magnets embedded in the rotor yoke is an even number.

Regarding claim 14, the proposal in combination of Zigler and Mikulic disclose current-sensitive protection means for detecting line current.

Regarding claim 15, the proposal in combination of Zigler and Mikulic disclose capability control is possible.

Response to Arguments

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.

A handwritten signature in cursive script, appearing to read 'Thanh Lam', written in black ink.

Thanh Lam

Patent Examiner